UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

ESTATE OF ERIC RIVERA, et al.,	) Civil Action No.
	) CV17-06939 CBM (MRWx)
Plaintiffs,	)
	)
v.	)
	)
CITY OF LOS ANGELES, et al.,	)
	)
Defendants.	)
	)

CERTIFIED COPY

DEPOSITION OF ALEXIS MEJIA ALVARADO

Los Angeles, California

Monday, December 31, 2018

Reported by:

ED V. SERRANO,
CSR No. 7469

Job No.:
21335CAT

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

ESTATE OF ERIC RIVERA, et al., Plaintiffs, v. CITY OF LOS ANGELES, et al., Defendants.	) Civil Action No.) CV17-06939 CBM (MRWx)

DEPOSITION OF ALEXIS MEJIA ALVARADO,

taken on behalf of the Defendants, at 600 City Hall East, 200 North Main Street, Sixth Floor, Los Angeles, California, commencing at 10:56 a.m. and concluding at 12:32 p.m. on Monday, December 31, 2018, reported by ED V. SERRANO, CSR No. 7469, a Certified Shorthand Reporter in and for the State of California, pursuant to Notice.

APPEARANCES:

For the DEFENDANTS: CITY ATTORNEY OF LOS ANGELES
POLICE LITIGATION UNIT
By: LISA LEE
600 City Hall East
200 North Main Street
Sixth Floor
Los Angeles, California
90012

The INTERPRETER: SEAN CRIST

Also present: DETECTIVE BRIAN HUN

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Los Angeles, California, Monday, December 31, 2018
10:56 a.m.

SEAN CRIST,
was first duly sworn to interpret the English language to the Spanish language and the Spanish language to the English language to the best of his ability:

THE INTERPRETER: Yes, I do.

ALEXIS ANCELMO MEJIA ALVARADO,
called as a Witness, and having been first duly sworn by the Certified Shorthand Reporter, was examined and testified as follows:

THE WITNESS: The truth.

THE INTERPRETER: My name is Sean Crist, court certification number 301843.

MS. LEE: Okay. Thank you.

We're starting this deposition. It's 10:55. Notice was provided to counsel for Plaintiffs via e-mail and mail on December 27th, 2018. On the same day of December 27th, 2018, Plaintiffs' counsel Arnoldo Casillas confirmed to Defendants' counsel Cory Brente that he would appear at today's deposition. He is not present and there's no counsel from Plaintiffs' firm that is here today, so we're going to start

the deposition.

EXAMINATION

BY MS. LEE:

Q Mr. Mejia, can you please tell us your full name?

A Alexis Ancelmo Mejia Alvarado.

Q And can you spell your name please for us?

A Ancelmo is A-N-C-E-L-M-O.

Q And Mejia is spelled?

A M-E-J-I-A at the end.

Q Okay. And Alvarado is spelled?

A A-L-V-A-R-A-D-O.

Q Okay. Have you ever had your deposition taken before?

A No.

Q Okay. So I'm just going to give some ground rules that will help to make sure that we do this as efficiently as possible and that everything is as correct as possible.

The oath that you've taken is the same as any oath you would take in a court of law. It carries with it the same penalty of perjury. So it's important that you give us your best testimony today.

The court reporter here is taking down everything that you say and everything that everybody else says and it would be difficult for him to do that if we're all speaking at

the same time. So wait until I finish my questions before you give your answers.

If you have any questions for me, such as you don't understand the question or anything, please let me know. The purpose of today's deposition is just to get your best testimony of your recollection of the events that we're going to be talking about. We're not here to try to trick you or to get you to say something that you don't want to say. So if anything is confusing, please let me know and I will do my best to clarify it for you.

If you need at any time to take a break, please let me know and we'll be happy to accommodate that for you. And after the deposition is concluded, you will be provided with a transcript of the testimony and you can make any changes that you'd like to that to make sure that it's correct; but know that if you do that, then it can be used against you. But you may change it later.

And we're here to discuss some events that happened quite some time ago. And we are entitled to your best recollection, but we do not want you to guess. So an example that I like to use is that if I were to ask you to give me your best recollection or best estimate as to how long the table in this room is, you could look at the table and you can give me your best estimate; but, if I were to ask you, "How long is the table in my office?" you've never been in my

office and you wouldn't know and that would be a guess. So we're entitled to your best estimate, but we do not want you to guess. Do you understand that?

A Yes.

Q And is there any reason why we can't take your best testimony today?

A No.

Q Okay. So you haven't -- you're not on any medications that may affect your memory or your speech?

A No.

MS. LEE: Okay. Great. Okay. Now, before we started the deposition I gave you a copy which I'm going to mark Exhibit -- I am trying to remember what our numbers are. I think we're maybe going to have to start at 50. We'll mark this as Exhibit 50.

(Defendants' Exhibit 50 was marked for identification by Ms. Lee.)

BY MS. LEE:

Q And it's entitled here "Transcription of Recorded Interview of Witness Alexis Alvardo Mejia by Detective Michael Arteaga." And it's a transcript of an interview that you provided to the Los Angeles Police Department after the incident that we're here to talk about. Is that correct?

A That's right.

Q And even though this interview is in English and you

have a Spanish interpreter here today, my understanding is that you speak both English and Spanish, correct?

A That's right.

Q Okay. And did you have a chance to review your statement with the assistance of the Spanish language interpreter before your deposition today?

A Yes.

Q Okay. And upon reviewing it, did you -- did you notice there was anything that you said that was incorrect that you would like to change now?

A No.

Q Okay. And upon reviewing it, would you agree that the statement is true and correct?

A Yes.

MS. LEE: Okay. So that's going to be Exhibit A -- sorry, 50. I'm also going to mark Exhibit 51. This is a CD that's entitled, "911 Call By Alexis Mejia."

(Defendants' Exhibit 51 was marked for identification by Ms. Lee.)

BY MS. LEE:

Q And also, before we began the deposition were you given the opportunity to listen to what's on this CD? Meaning the 911 call that you placed to the -- to the Los Angeles Police Department regarding this incident.

A Yes.

Q Okay. And in listening to this tape, were you able to recognize your own voice as the 911 caller?
A Yes.
Q Okay. And also, in listening to this tape did you notice anything that you said that you believe was incorrect or that you want to change now?
A No.
Q And in listening to this tape, would you agree that it is true and correct as far as you know?
A Yes.
Q Okay. Great. So that's 51. Okay. Can you please tell me your date of birth?
A 08-29-1972.
Q Okay. And where were you born?
A In Honduras.
Q And how long have you lived in the United States?
A Since 1993.
Q Okay. And have you lived in Los Angeles County that entire time?
A No.
Q Where did you live when you first came to the U.S. in 1993?
A Virginia.
Q And when did you move to California?
A The 17th of August of 2012.

Q And other than the transcript that I showed you before your testimony today, and also the 911 tape, have you reviewed any other materials to prepare for your deposition today?

A No.

Q Okay. Have you read any -- did you make any social media posts relating to the incident for which we're here to discuss?

A No.

Q Have you seen any videos relating to the incident -- the shooting incident in this matter?

A No.

Q Did you read any newspaper articles relating to the shooting incident in this case?

A No.

Q Okay. And can you please tell me your current address?

A 1335 North Wilmington in Wilmington, California, 907445 -- 44, 90744.

Q Thank you. How long have you lived there?

A About two years.

Q Oh, one other question. When you spoke with the Los Angeles Police Department officers relating to the interview that you gave them right after the incident that was conducted in English, did you understand the questions they were asking

you?
A Yes.
Q Okay. And once again, you reviewed the transcript and you believe the answers to be correct. Is that right?
A Yes.
Q Okay. Who lives at your residence with you at the present time?
A My girlfriend, her daughter, and myself.
Q And what is your girlfriend's name?
A Lucrecia Garcia.
Q Could you spell that for me?
A L-U-C-R-C-I-A (sic).
Q Okay.
A Garcia -- G-A-C-I-A (sic).
Q And you said that her daughter lives with you as well, correct?
A Yes.
Q And how old is the daughter?
A Ten years old.
Q Do you have any children?
A I have three children.
Q And can you give me their first names and ages?
A My first daughter is Jennifer Mejia.
Q And how old is Jennifer?
A She's about to turn 23 or 24. I'm not sure.

Q Do you remember her birth date?
A January 28th, '95.
Q And where does Jennifer live? Just give me the city.
A She lives in Virginia. And the city is called Arlington County.
Q Okay. And the next child that you have?
A Paola Mejia.
Q Could you spell that?
A P-A-O-L-A, Mejia -- M-E-J-I-A.
Q Okay. And what is her birth date?
A Paola was September 4th. I don't remember --
Q How old is she now?
A She's about 18.
Q Eighteen? Okay. And what's the third child's name?
A Franklin Mejia.
Q Okay. And spell the first name.
A F-R-A-N-K-L-I-N.
Q Same last name as you?
A Mejia, yes.
Q Okay. And what's his birthday?
A April 23rd of 2006.
Q Okay. And they do not live with you in California, correct?
A No.

Q Okay. And where do they live? Where does Paola live?
A I don't know exactly where Paola lives because she's studying.
Q Is she going to school somewhere?
A Yes.
Q Where does she go to school?
A I don't know. I have no idea.
Q Okay. You don't know what state or city?
A I -- it's in the state of Virginia but I don't know where.
Q Okay. And what about Franklin? Where does he live?
A He lives in Alexander -- Alexandria, Virginia.
Q And were any of the three children living with you at the time of the incident for which we're here to discuss that occurred on June 6th, 2017?
THE INTERPRETER: I'm sorry, counsel. Could you repeat the date please?
MS. LEE: Sure. June 6th, 2017.
THE WITNESS: No.
BY MS. LEE:
Q And at that time on June 6th, 2017, who was living with you?
A Could you repeat the question please?

Q Yes. At the time of the incident that we're here to talk about, June 6th of 2017, who was living with you?
A My girlfriend.
Q The same girlfriend you testified to?
A Yes.
Q Lucrecia, correct?
A Lucrecia.
Q Yes?
A Yes.
Q Okay. And at the time of the incident, which is, once again, June 6th, 2017, what was your residence address?
A Could you repeat the question please?
Q Yes. At the time of the incident that we're here to talk about today, June 6th, 2017, what was your residence address?
A The same one, 1335.
Q Okay. And what -- what type of work do you do?
A I do culinary work. I'm a chef.
Q Okay. And what's the name of your employer?
A Terranea Resorts.
Q Could you spell that?
A T-R-R-N-I-A Resorts (sic).
Q Is that the correct spelling, T-R-R?
A Yes.
Q Okay. And where is that located, the address?

A That's in Rancho Palos Verdes.
Q How long have you worked at your current job?
A In July it will be three years.
THE INTERPRETER: Counsel, I'm sorry to interrupt. Could we do a bathroom break?
MS. LEE: Sure, no problem.
(Short break in the proceedings)
BY MS. LEE:
Q Okay. All right. Okay. Let's go back on the record. Okay. And I just want to -- so during the break you indicated that somebody came to your business yesterday and caused you some concerns for your safety. So I just wanted to talk to you about that. Okay. Who came to your -- who came to your business yesterday?
A The brother of the person who died the day of the incident.
Q Okay. And how do you know that's the brother?
A My girlfriend -- well, the day that the incident occurred they were doing a car wash for the --
THE INTERPRETER: The interpreter needs to clarify any ambiguity.
MS. LEE: Sure.
THE WITNESS: You know, the -- for the burial.
THE INTERPRETER: "They were doing a car wash for the burial of the family."

MS. LEE: Who was doing the car wash? The family?
THE WITNESS: The family.
THE INTERPRETER: "Yes, the family."
BY MS. LEE:
Q Okay. And then -- but continue. The question was how do you know that the person who visited your business yesterday was the brother of the person who died?
A My girlfriend recognized them.
Q Okay. From -- from the family's car wash?
A Yes.
Q Okay. And when this person came into your business yesterday, what time was it?
A I don't know. My girlfriend just told me and his pants are still there.
Q Okay. So were you there when he came to your business or was your girlfriend there?
A My -- only my girlfriend was there.
Q Okay. So she informed you that the brother came to your business, correct?
A Yes.
Q Okay. And where is the business located?
A It's at 1335 North Wilmington.
Q Okay. And once again, this is your girlfriend Lucrecia?
A Lucrecia, yes.

Q So what did she tell you what happened when the brother of the decedent came to your business?
A Um, well, they came in with the photo.
Q Okay. Who is "they?"
A The detectives, when they came to look for me.
Q Okay. This is -- this is yesterday the detectives came to look for you?
A No, it's the first time they came.
Q Okay. So what -- you're saying the detectives showed you a photo the first time they came?
A Yes, they came in and they asked my girlfriend, "Do you know this person?"
Q Okay. And who was the photo of? Do you know?
A Mine.
Q Okay. Okay. So I guess maybe we're -- I'm a little bit confused. But you're saying that the brother of the man who died went to your business yesterday, correct?
A Yes.
Q Okay. And your girlfriend informed you of this, correct?
A That's right.
Q Okay. And what did she tell you about what happened when the brother came to your business?
A It referred to the same thing. That's why I said that she didn't -- she didn't call 911.

Q Okay. I don't understand. If you could just tell me what did your girlfriend tell you about what happened when the brother of the decedent came to your business yesterday?

THE WITNESS: Do you want -- you want me -- I think it's better (indiscernible) -- I feel better we can talk to -- straight because I was missing --

MS. LEE: Okay. So are you indicating you want to speak English at this point to make it it easier?

THE WITNESS: Yes, uh-huh.

MS. LEE: Yeah, that's fine. That's fine. And then if you need clarification, then the interpreter is here to help you with clarification.

THE WITNESS: Okay.

MS. LEE: Okay. So go ahead.

THE WITNESS: My -- my girlfriend told me about it, you know, this guy coming dressed up to our business. "Do you know this is a brother from the guy the police killed?" about few blocks away from our business.

MS. LEE: Okay.

THE WITNESS: I was like -- I'm being on shocked.

MS. LEE: Excuse me?

THE WITNESS: I'm being on shocked when she told me that.

MS. LEE: Be on shocked?

THE WITNESS: Yeah. So the lady go "What?" Y me

dijo" --

(Reporter inquires)

MS. LEE: Okay. Okay. So we'll use the interpreter. We'll try to slow down.

BY MS. LEE:

Q Okay. So you indicated that you were shocked when the brother came to your business?

A Yes.

Q Okay. Did -- did the brother say or do anything that made your girlfriend feel uncomfortable?

A No.

Q Okay. And you indicated that he brought some pants for alteration. Is that right?

A Yes.

Q Okay. And were you shocked -- why were you shocked that the brother was there?

A My girlfriend felt nervous.

Q Oh, I see. Okay. Okay. Have you been contacted by anyone that's related to the man who was shot? Like the mother? The father? Anybody like that?

A At the car wash the mother spoke to my girlfriend.

Q Oh, I see. Were you present when the mother spoke to your girlfriend?

A No.

Q And did your girlfriend tell you what their

conversation consisted of?
A Yes.
Q And what did she tell you?
A My girlfriend told me that the lady had told her that her son was not a bad person.
Q Okay. And what else -- what else would your girlfriend tell you about that conversation?
A That he was a mentally ill person.
Q Okay. Anything else you remember your girlfriend told you about that conversation?
A No.
Q And did your girlfriend tell you that she felt uncomfortable having that conversation?
A Yes.
Q Did she tell you why she felt uncomfortable?
A Yes.
Q And what did she say about that?
A Because our business is right there just a few blocks away from the family.
Q And it was your girlfriend's impression that the mother knew who your girlfriend was?
A No.
Q Okay. Have you been contacted or had any contact by anybody else related to the man who was shot?
A No; but I have something to say about when it

happened.

Q Okay.

A When the detectives arrived to do the search -- when they arrived at my business --

Q Okay. Go ahead.

A There were clients there who were also from around there.

Q Okay. You talked -- when the detectives arrived to give you your subpoena to come testify?

A Yes.

Q Okay. And you're saying that there were other family members there, or --

A No. There were clients from the neighborhood.

Q Oh, I see. And did you have concerns that those clients from the neighborhood may tell other people in the neighborhood that the police were contacting you?

A Of course. Because they're talking about the case.

Q Okay. And you -- and I know -- you indicated that you have some concerns for your safety regarding testifying about this case in general. Is that true?

A Of course.

Q Okay. Can you tell me what those concerns are?

A Well, what would you think if you were in my position if they -- if someone arrived to tell you, in front of all the clients, who I was and what I had done and then what had

happened?

Q Okay. What do you mean by what you had done?

A Because they explained to my wife that I was the person who had called 911 when they killed the person.

Q Who explained that to -- your "wife?" You mean your girlfriend Lucrecia?

A My girlfriend, yes.

Q Okay. Who explained to Lucrecia that you were the one who called 911?

A I don't know who those people were who came in with that photo.

Q Oh, okay. Do you have any general concerns about testifying relating to this case at all?

A No, none.

Q Okay. And have you -- have you received any pressure from anybody to not testify or to not come to court relating to this case?

A Not pressure.

Q Okay. But something else?

A It's -- you know, it's between me and my girlfriend as a couple.

Q Okay. And I think you indicated that your girlfriend didn't want you to testify. Is that right?

A She thought it was going to be in court.

Q Oh, okay. Do you -- and do you feel that your safety

or your family's safety is compromised if you were to testify in court?

A Well, I'm already in some danger because of the way that they came to my business.

Q Okay. And who is that danger from, I guess is my question? Who do you believe that the danger is from?

A The family lives three blocks away from my business.

Q The family of the decedent, correct?

A Yes, that's right.

Q Now, I'm going to represent to you that the individual's name is Eric Rivera. So when I'm talking to you I'm going to say "Mr. Rivera." And will you understand who I'm talking about?

A Okay.

Q So I just want to make sure you're not in fear of any danger from the police, but your fear of being in danger is because of the family of Mr. Rivera, correct?

A I don't think it was conducted professionally.

Q Okay. I guess my question is to make sure that your fear for your safety is relating to the family of Mr. Rivera maybe being upset that you're testifying or talking about this incident, correct?

A Yes, that's right.

Q Has -- have any attorneys that represent or say they

represent the family of Mr. Rivera ever tried to contact you?

A No.

Q Okay. Have you given any interviews to any news media about this case?

A No.

Q Okay. And other than the brother coming into your business yesterday of Mr. Rivera and Mr. Rivera's mother speaking to your girlfriend at the car wash, have you had any other contact with the family of Mr. Rivera?

A Well, they're my girlfriend's clients.

Q The Rivera family is your girlfriend's clients. Is that right?

A Yes.

Q For the dry cleaning business you mean?

DETECTIVE HUN: Alterations.

MS. LEE: Alterations.

THE WITNESS: Yes.

BY MS. LEE:

Q Okay. And do you know how long the Rivera family was clients of your girlfriend's for?

A No.

Q Okay. But it was before the shooting incident that they were clients, correct?

A Yes.

Q Okay. Do you have any concerns about your safety in testifying or talking about this matter for any other reason other than the perhaps anger of the Rivera family?

A Yes, for my life.

Q And do you have any -- who do you believe may harm you if you were to testify or talk about this case?

A I don't know if he has brothers or --

Q Okay. So fair to say that you have fear for your personal safety from the friend or family of Mr. Rivera?

A Yes.

Q Okay. And have you received any threats from anybody relating to this case?

A No.

Q Okay. Is there anything else you would like to tell me about your concerns for your safety or your family's safety?

A No, just what I -- just what I just explained.

MS. LEE: Okay. So I just want to ask you a you few additional questions relating to your call to the 911 operator. I have, which I'll mark as 52, it's an English transcription of the 911 call which you placed in Spanish?

(Defendants' Exhibit 52 was marked for identification by Ms. Lee.)

BY MS. LEE:

Q And you've confirmed to me that that was your voice

and you are the person who made the call, correct?

A Yes.

Q So I'm going to hand the English transcription to you to review if you need it; but I'm just going to ask you a few specific questions. And the interpreter is here to assist you if you need that. Okay?

A Okay.

Q So you -- you called 911 and you stated to the 911 operator that, "This is an emergency." Do you recall that?

A Yes.

Q Okay. And had you ever called 911 prior to this incident?

A No.

Q And when you said, "This is an emergency," what did you mean by -- what did you mean to convey by that, that it was an emergency?

A That somebody was walking around with a gun in their hand.

Q Okay. And when you placed this call, were you in fear for yourself for your own life?

A Yes.

Q Okay. And you told the 911 operator that there was "a man with a handgun here in Wilmington," correct?

A That's right.

Q And you indicated that the man had a handgun in his

hand. Is that correct?

A Yes.

Q And you indicated the man was headed towards Anaheim. Is that correct?

A That's right.

MS. LEE: Okay. I'm going to show you what I'm going to mark here as 53.

(Defendants' Exhibit 53 was marked for identification by Ms. Lee.)

MS. LEE: And what I'm showing you here marked as Exhibit 53 is just a map. I believe it's, you know, from Google Maps or something like that, that's entitled "Wilmington, California." And if you could just take a look at this map and see if you recognize the area that it shows. And take your time. You can take a look at that.

(Short pause in the proceedings)

MS. LEE: And maybe I can assist you with that. If you look at the map --

THE WITNESS: This is 1335 Wilmington. That's where I was.

BY MS. LEE:

Q 33 or 35?

A 33.

Q Okay. So on the top of the top-middle portion of the map it's indicated "1333 North Wilmington" and there is an

"X." And you're indicating that that's where you were when you first saw the man with the gun. Is that correct?

A Yes.

Q Okay. And is that outside of your business or outside of your residence or somewhere else?

A It was outside the business.

Q Okay. The alterations business?

A Alterations.

Q Okay. And so if you look on this map, at the bottom of the map there's a street that says "West Anaheim Street." Do you see that?

A Yes.

Q Okay. And so when you told the 911 operator that the man was "headed towards Anaheim," you mean that he was headed from 1333 North Wilmington in the southbound direction towards West Anaheim Street, correct?

A I don't see Pacific Coast.

Q Oh, it's marked here as "CA 1," yeah.

A This is Pacific Coast --

Q Yes.

A -- right here. And he was going towards Anaheim.

Q Got it. Okay. When you first saw the man, what were you doing?

A I was painting furniture.

Q Okay. And you told the 911 operator that you had

previously not seen that man before to your knowledge, correct? So in other words, you didn't recognize him when you saw him?

A That's right.

Q And you indicated that -- I'm sorry. Strike that. Was -- I'm sorry. You indicated he was walking. He was on foot, correct?

A Yes.

Q And he was alone, correct?

A That's right.

Q Okay. And you indicated that you were outside and you were painting. Is that right?

A Yes.

Q And what were you painting?

A A piece of furniture.

Q And who was with you at the time?

A I was alone.

Q Was your girlfriend in the immediate area?

A Inside the business.

Q I see. Okay. And when the Los Angeles Police Department officers interviewed you later on that night, you told them that you called 911 because you needed help. Is that right?

A Yes.

Q Okay. And then you told the detectives that you

said, "And thank God they helped me right away. They sent the police." Is that right?

A Yes.

Q And you also told the police officers that -- the detective that you were happy to see the police arrive. And I think your quote is, "They were trying to save somebody's life because that guy, he's going to kill somebody."

A That's right.

Q Okay. And what made you believe that Mr. Rivera was going to kill somebody?

A Because he was carrying a gun in his hand and he looked angry.

Q Okay. And you said -- okay. And you said, "I'd be 100 percent sure," correct? You said that?

A Because of his -- the expression of Mr. Rivera.

Q And you said, "He looked angry." Can you describe what it was about his face that made you believe he looked angry?

A He looked like he had just come from a fight or an argument with somebody.

Q Now, when you first saw Mr. Rivera, I think you told the police detectives that you were painting and that you were facing -- facing towards the street, is that right, looking towards the street?

A I said that I was facing towards the window of the

business.

Q Oh, okay. So when you first saw Mr. Rivera, he was coming from the direction of the PCH. Is that right?

A That's right.

Q And walking southbound on Wilmington towards Anaheim.

A That's right.

Q Okay. And you were initially faced towards the building, which would be westbound, correct?

A Can I give an example?

Q Sure.

A So Wilmington Boulevard is over here.

Q Okay.

A And I'm standing with my back to Wilmington and I'm looking at the window of the business and I see the person coming from PCH. He's coming from over there from the north.

Q Okay.

A And he's going towards the south on Wilmington.

Q Okay.

A But in front of me my vision is -- I'm looking at the business.

Q At the business. Okay. So he's walking -- Mr. Rivera is walking in your direction as you first see him, correct?

A Yes, that's right.

Q Okay. And were you able to see the full front of his face and his body as he's walking towards you?
A He was coming towards me when I saw him. I saw him -- I saw his face from head on.
Q From head on. Okay. So you had to turn to see his face. Is that right?
A Yes.
Q Okay. Hold on. Were you -- so you turned to your right?
A That's right.
Q Okay. And then when you first saw his face, how far away from you was he approximately? You can give me like feet or yards or whatever.
A Ten or 15 feet.
Q Okay. The first thing you saw as you looked at Mr. Rivera was his face, correct?
A Yes.
Q And you indicated he looked very angry, correct?
A I noticed that he was angry when he got closer to me.
Q Okay. And you indicated you saw Mr. Rivera was holding a handgun, correct?
A That's right.
Q And did you see his face first or did you see the handgun first or at the same time?

A This person was coming towards me. And when I saw the gun is when he came and passed by close by me.
Q I see. And I think you told the police that you saw the gun in his right hand, correct?
A That's right.
Q Now, the first time that you saw the gun in his hand, how far away was Mr. Rivera from you?
A Maybe 5 or 6 feet.
Q Okay. And you indicated to the detectives that you saw his -- Mr. Rivera's finger on the trigger of the gun. Is that right?
A When he came walking by with the gun, I saw it in his hand.
Q Okay. But did you -- I think you told the detectives that you saw his -- Mr. Rivera's finger on the trigger of the gun, correct?
A That's right.
Q Okay. And how was he holding the gun as he -- when you first saw him? Was he -- was it by his side? Was it up? Can you describe how he was holding the gun when you first saw the gun?
A He was like this with the gun, walking.
Q Okay. So for the record, the witness is swinging his right arm by his side. Okay?
A That's right.

Q Okay. And was that the manner in which he was holding the gun when he passed you by as well? So swinging it in his right hand?

A That's right.

Q And I think you indicated that -- you gave a description of the individual of Mr. Rivera and I think you said that he was approximately 5'6" or 5'7" in height. Is that right?

A That's right.

Q It was a male Hispanic, correct?

A Yes.

Q And you believe he had a dark shirt on. Is that right?

A That's right.

Q Okay. And then when the detectives asked you to describe the color of his pants, I think your answer was that you were really focused on the gun and not so much on his clothes, correct?

A That's right.

Q And why were you so focused on the gun?

A I wanted to see if he was going to shoot towards me or where he was going to shoot towards.

Q Okay. Can you -- if you can look at the transcript. That's page -- that's exhibit -- let me see. This is the other transcript. Where is it? Oh, here. Sorry. Okay. I'm

going to show you -- if you look at -- at the bottom it says, "Rivera-City 710." If you look at lines 10 through 14 it says -- the question was "Cabinet?" and then you said, "Cabinet" -- you said, "On the cabinet. I was trying to hide in the cabinet when I saw her get out from the car."

Okay. Did you try to hide inside of a cabinet?

A The same cabinet that I was painting.

Q Okay. When you say you were "trying to hide," what do you mean by that?

A No, because -- well, when he came -- when he walked by me I didn't want to be there looking at him. I just wanted to be able to see him walking by.

Q So did you try to get behind the cabinet or something?

A Yes.

Q And then what did you mean when you said, "When I saw her get out of the car?" That could be --

A It's because my girlfriend was arriving and I told her to run into the business.

Q Okay. Was that -- did she arrive after Mr. Rivera passed you by?

A Yes.

Q Oh, I see. Okay. And where was Mr. Rivera when your girlfriend arrived?

A He was about 15, 20 feet away by that time.

Q Okay. Southbound towards Alameda, correct?
A No, towards Anaheim.
Q Anaheim. You're right. Okay. Sorry about that. Okay. Now, you indicated to the officers -- the detectives that you first saw -- when you first saw the gun in Mr. Rivera's hands, you couldn't tell what type of a gun it was. Is that correct?
A No, because he had it in his hand.
Q I see. But you -- are you familiar with different types of guns in general?
A Yes; but, you know, sometimes a .9 millimeter looks like a .45 and I can't see what it was.
Q I see. But it sounds like you have some knowledge of different guns. Is that right? Is that fair to say?
A I was in the army in my country, yes.
Q I see. So you've had training with firearms. Is that fair to say?
A Yes.
Q And how many different types of firearms have you -- have you handled?
A 9 millimeters, .45s, .38s, .22s, M16s. I had a 50 millimeter machine gun.
Q Okay. And what other firearms training have you had other than -- than being in the military in your country?
A .81 mortars.

Q What is that?
A It's for attacking the enemy at war.
Q And where did you receive that training?
A In Honduras.
Q Oh, I see. How long were you in the military in Honduras?
A Four years.
Q Four years. Okay. And I assumed that you received weapons training during that time, correct?
A That's right.
Q Okay. And when you saw Mr. Rivera holding the handgun on the day in question, did you believe that it was in fact a handgun?
A Yes.
Q Okay. And did you believe that it was a functional handgun, that if he were to fire it at you, that you could die?
A Of course. Yes, of course.
Q You were asked as to the color of the handgun and I think you said that you believed that it was dark and not silver. Is that correct?
A That's right.
Q Okay. Do you remember anything else about the color of the handgun other than it was dark?
A I couldn't see any other color, so I could only see

the part below.
Q And that -- the "part below," below the hand?
A That's right.
Q And that part was dark, correct?
A Yes, that's right.
Q And could you see what the dimensions of the gun were?
A No.
Q And when you -- when you saw Mr. Rivera holding this gun, were you scared?
A Yes.
Q And, in fact, you told the police detectives, "I was so scared," correct?
A Yes, that's right.
Q When you saw Mr. Rivera holding the gun, do you remember -- it was approximately 9:00 p.m. at night, correct?
A No.
Q What time was it?
A It was earlier.
Q But had the sun set yet? Was it dark?
A You could say it was between 7:30 and 8:00.
Q So I'm going to represent to you that the 911 call that you placed was at approximately 8:48 on June 6th, 2017.
A Yeah, that could be. I really don't remember.

That's probably right.

Q Sure. And how long after you saw Mr. Rivera did you call 911?

A Well, I would say about five minutes after.

Q Okay. So it's sometimes hard to tell what time it is as we're sitting here, but would it -- as soon as he passed you by, did you call 911?

A I waited for him to walk about 7 feet away.

Q And why is that?

A I was afraid he would turn around and see me on the phone.

Q I see. So you called 911 when you believed he was far away enough that he wouldn't be able to hear you calling for help, correct?

A That's right.

Q Okay. But as soon as he was far enough that you felt safe, you did call 911, correct?

A That's right.

Q Because once again, you believe that this was an emergency that the police needed to respond to immediately, correct?

A That's right.

Q So being that it was almost nine o'clock in the evening, do you remember it as being somewhat dark, like meaning the sun had already set at the time that you saw

Mr. Rivera?

A Yes.

Q Were there any streetlights or lights from the buildings that illuminated the area where Mr. Rivera was walking when you saw him?

A Yes, the light from our business.

Q Oh, I see. Okay. And what type of a light is it that's outside -- or was outside of your business at that time?

A There's no lights outside. There's just -- there's Christmas lights on the window.

Q I see. Okay. And when you saw Mr. Rivera's face that you describe as looking "very angry," were you able to -- did you feel that you had sufficient light to see his face?

A Yes.

Q Okay. And when you saw the gun in Mr. Rivera's hand, do you feel that you had sufficient light to see that gun?

A Yes, the light from our business when he passed by.

Q And once again, when you saw it you felt sure that it was a handgun, correct?

A That's right.

Q And you indicated that Mr. Rivera was walking at a very fast pace when he passed by you, correct?

A That's right.

Q Okay. And you also indicated that you heard him say,

I think in Spanish, a term that meant "he's going to pay me today" or words to that effect. Is that right?

A Yes, something like settling a score with someone.

Q Okay. And if you will look at page 13 of your statement, I just want to see if it refreshes your recollection. If you look at lines 13 through 20, you can read those and see if it refreshes your recollection as to what you heard Mr. Rivera say when he passed by you.

A Yes.

Q Okay. So he said the words in Spanish, um, that translated, "He's going to -- he's going to pay me today." Is that right?

A Yeah, that's right.

Q Is that "Ahora, me va pagar?"

THE INTERPRETER: Yes, it is.

MS. LEE: Interpreter, could you interpret that for me please?

THE INTERPRETER: "Now he's going to pay."

BY MS. LEE:

Q I see. Okay. Now, you indicated that it sounded to you like Mr. Rivera was trying to settle a score.

A That's right.

Q And what gave you that impression?

A The way that he was carrying the gun in his hand.

Q Okay. And in the way that he was carrying his gun,

do you -- how was he holding it that made you feel that he was going to settle a score?

A Because if I'm carrying a gun, I'm not going to carry it in my hand like that and say that.

Q "Like that" meaning he had a firm grip on it from what you saw, correct?

A That's right.

Q You said he was walking in a fast pace, correct?

A That's right.

Q And did you -- do you believe he was walking in a determined manner?

A Yes.

Q And the look on his face, you said it was angry. Okay. Did you -- did you also believe the look on his face looked determined as well?

A Yes.

Q Okay. You also indicated that he looked mad. Is that right?

A Yes, he looked very angry.

Q How many times did Mr. Rivera make that statement as he passed you by, the statement about making someone pay?

A Three times.

Q And did he ever look at you in your face when he passed you by?

A When he was passing by he just turned around and saw

me.

Q Was this while he was next to you or after he'd already passed you?

A He was just walking by, but he just turned and looked at me like this and then he kept walking.

Q As he was passing he made -- he looked at you, correct?

A That's right.

Q And did you believe that he was making that statement to you that he was going to make "you" pay?

A No.

Q So was he more like muttering the statement as he passed you by?

A No, he was saying it clearly.

Q I see. You also described Mr. Rivera's expression as "tense" to the detectives. Do you recall that?

A Yes.

Q And once again, by "tense" what do you mean by that?

A Tense, I mean like his arm looked really tense with the gun in his hand.

Q And the last time that you saw Mr. Rivera was when he continued to go southbound towards Anaheim Street. Is that right?

A That's right?

Q Okay. If you could look at Exhibit 53, the first "X" of 1333 North Wilmington, that's where you were when you first saw Mr. Rivera, right? The top "X?"

A Yes.

Q Okay. Could you just take this pen and put an "M" next to where -- where you were when you first saw Mr. Rivera?

THE INTERPRETER: "M?"

MS. LEE: "M."

BY MS. LEE:

Q You were by the street, right? Can you just put an arrow to where you were standing? Because this "M" looks like it's kind of in the middle, but from your testimony you were on the sidewalk.

A Yes.

Q Okay. Perfect.

A So I'm going to put it right here.

Q Okay. I just want to make sure. So to be clear, you were on the sidewalk, correct?

A Exactly. Right.

Q And where was Mr. Rivera when you last saw him? Can you show me where he was on the map when you last saw him?

A I want to clarify something so I understood --

Q Sure. Okay.

A -- perfectly.

Q Okay.
A My back was facing Wilmington.
Q Okay. So hold on. So this is Wilmington. So was your face originally faced in the west direction or an east direction?
A I was -- I was painting between the building, facing like this.
Q So if you were facing the building, then you were not looking onto the street. You were looking onto your building, correct?
A It's really difficult to explain because there's a sidewalk on the road. On the sidewalk there up the street I could look towards Pacific Coast or I could look the other way.
Q I got it.
DETECTIVE HUN: He's standing right there, facing the building, facing --
BY MS. LEE:
Q Okay. We'll make a copy of this. But let me show you this photo on the -- on the computer. So this is the building we're talking about, correct? Google Street View.
A I was standing right there. Right here. That's the lights on the way I was describing and that's the light that was coming out the door. When I saw the gun in his hand it was being lit up by this light right here.

Okay. We're going to make a copy of this and we'll attach it as the next in line. So this photo that we're going to mark next in line, that shows where you were standing, looking towards your business window when you saw Mr. Rivera approaching you.

THE INTERPRETER: I'm sorry. I can't follow.

THE WITNESS: Okay. When he was coming, I was right here. But he was coming right around here, right in the middle of the street and he -- and he was yelling, "You're going to pay."

MS. LEE: I see.

THE WITNESS: And that's where I saw him.

BY MS. LEE:

Q And he's headed this way, which is southbound, correct?

A Correct.

Q Okay. I got it. I got it. And you indicated that there's lights from your store that illuminated.

A Yes, from the window and from the door.

Q Perfect. Thank you.

MS. LEE: We're almost done. Thank you for hanging in there.

THE WITNESS: I just want to know if the -- if my address of my business or of my residence is going to be mentioned in the courtroom.

MS. LEE: Um, you know, I can talk to you about that after the deposition. But because there's -- there is the -- I could talk to you about that after the deposition if that's okay.

BY MS. LEE:

Q So if you were standing outside of your business when Mr. Rivera passed you by, did he pass you by in front of you or behind you? Or -- or how would he have passed you?

A No, in front of me.

Q In front of you. Okay.

A Yes.

Q So how far away from the window were you when you were painting?

A I was right there on the -- by the -- on the border of the sidewalk.

Q Oh, the border of the sidewalk and the street. I got it. Okay.

A Yes.

Q Oh, I understand. So when he passed you by. But it was in front of your face.

A That's right.

Q Okay. I got it. And you said that when he was headed towards you, he was making the statement loudly, the statement of "I'm going to make you pay" or something.

A Yes.

Q Yes?
A Yes.
Q Okay. And regarding the manner in which Mr. Rivera was holding his -- the handgun, you indicated that he was holding it in the open. So in other words, he was not holding it in a manner that you believed he was trying to conceal it. Is that right?
A That's right.
Q Okay. So he was not trying to hide the gun, correct?
A That's right.
Q Okay. Now, you indicated to the police detectives that when you saw Mr. Rivera's finger on the trigger of the gun, you believed that Mr. Rivera was ready to shoot, correct?
A That's right.
MS. LEE: Okay. So let me mark this as -- I think it was 54.
(Defendants' Exhibit 54 was marked for identification by Ms. Lee.)
BY MS. LEE:
Q And if you can take this -- it's the same photo as we looked at on the computer. Can you put an "M" as to where you were standing when you were painting? Okay. So like you said, on the border of the sidewalk and the street?

A That's right.
Q Okay. And by the way, when you were painting were you seated? Were you kneeling? Were you standing?
A I -- I was standing.
Q I see. Okay. And when you first saw Mr. Rivera, can you -- the first time you saw him, can you mark an "R" where he was when you first saw him? Okay. Great. And then when you called 911, where was Mr. Rivera? Or was it beyond this photo? Okay. You can put "R2." You put a "2," yeah. Okay. Okay. Thank you. And Mr. Rivera, as he passed you by, never stopped. Is that right? He just kept walking in the determined manner that you had described?
A Yes.
Q Okay. Now, you also indicated that -- to the detectives, "A lot of people passed him by. And people surprised me because he's in the street with a gun." And you saw -- "and I was seeing a lot of people over there just looking at him."
A Yes, they were moving away from him and just looking at him.
Q Okay. And how many people did you see in the area when you saw Mr. Rivera?
A Six to eight people.
Q Really? Okay. And were they -- the people that you saw, where were they located? Can we see them on Exhibit 54,

the area where you were walking?
A They were coming along here.
Q So you mean not on your side of the street but on the other side of the street. Is that right?
A In the -- in the street itself.
Q In the street --
A On the sidewalk.
Q On the sidewalk? On the sidewalk where Mr. Rivera was walking?
A Yes.
Q Okay. And did anybody -- what -- you said that you saw people just walking by and you believed they didn't notice the gun? Or what did you see?
A Yes, they could see that he had the gun because they were moving away from him.
Q Oh, people were moving away from him. Okay. Did you speak with any persons about this incident who claim that they were one of the people walking on the street?
A No.
Q Did you recognize any of those persons that were on the street when you saw Mr. Rivera?
A No.
Q Are you aware of any other persons who saw Mr. Rivera with a gun that night?
A No.

Q Okay. But I want to make sure that when you saw the gun, you had a clear view of the gun in Mr. Rivera's hand, correct?

A That's right.

Q Because he passed right in front of you, correct?

A That's right.

Q And based on all your training and experience with firearms, you believed it was a gun, correct?

A That's right.

Q Okay. And when you called 911 that night, you've already testified that seeing the gun in Mr. Rivera's hand, you were concerned for your own safety, correct?

A That's right.

Q And when you called 911, were you also concerned for the safety of other people given what you saw? Meaning a gun in Mr. Rivera's hand, his angry-looking face, and the determined way in which he was walking and holding the gun?

A Yes.

MS. LEE: Okay. I don't have any other questions for you at this time.

So just the standard federal stip that -- I have no one else's stip, so I'll just offer that you do the standard federal stip.

Okay. That's it.

(Short pause in the proceedings)

MS. LEE: Send an original and copy to me -- well, send the original to me and send a copy to him. Does that work? So we have his address.

So the court reporter is going to send a copy of the transcript to you. And you're going to have an opportunity to review it to make sure that it accurately reflects what we said today. Okay? And it's going to be in English. So if you need a Spanish interpreter to help you, call my office, call my secretary and she can set that up for you and we'll make sure we get another certified interpreter to help you if you need it. Because I know you speak both English and Spanish. Okay?

THE WITNESS: Yes.

MS. LEE: And then will you be able to -- upon receipt of the transcript will you be able to review it and let me know if you have any changes? Say within 30 days of receiving it?

THE WITNESS: Yes.

MS. LEE: Okay. Great. So we'll have a copy sent to you. And once again, if you need someone's assistance, a Spanish interpreter, call my office. My secretary will help you with that. And then we just want you to review it to make sure that it's correct as to, you know, your statement.

THE WITNESS: Okay.

MS. LEE: Okay. All right. That's it. Thank you so much.

(Deposition concluded at 12:32 p.m.)

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I am the witness in the foregoing deposition. I have read the deposition. Having made changes and corrections as I desire, I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____

at_____,(Address)

_____

ALEXIS ANCELMO MEJIA ALVARADO

REPORTER'S CERTIFICATION

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [] was [] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: JANUARY 6, 2019

Edward V. Serrano, CSR No. 7469
Certified Shorthand Reporter
For The State Of California

Errata Sheet

NAME OF CASE: ESTATE OF ERIC RIVERA V CITY OF LOS ANGELES

DATE OF DEPOSITION: 12/31/2018

NAME OF WITNESS: ALEXIS ALVARADO

Reason Codes: 1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page _____ Line _____ Reason _____
From _____ to _____

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ALEXIS ALVARADO

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